arrest and the demand of securities should not be insisted on when the decisions were sought to be set aside.

The pay of Stationary Magistrates should be raised with due regard to the nature and variety of their work and the prestige they should command. Their pay now compared very unfavourably with that of police officers ; and they should be placed above temptation and their discontent removed.

DEWAN'S REPLY : Mr. Subrahmanya Pillai, in regard to the first point in your representation, *viz.*, the removal of one of the two Munsiffs' courts from Tuckalai to Eraniel, the views you have expressed will be communicated to the High Court for their consideration and report to the Government.

2. Regarding the extension of the jurisdiction of the Padmanabhapuram Village Panchayat and Bench Magistrate's courts, it may be possible to extend the jurisdiction to the *pakuthies* of Kalkulam and Tuckalai, but the matter will have to be further examined.

3. As for the appointment of a special staff to clear off arrears, as a matter of fact this is being done at present whenever found absolutely necessary.

4. As regards your proposals to amend Section 241 of the old *Civil Procedure Code*, and Article 246 of the *Civil Courts' Guide*, the High Court do not consider that any amendments are necessary and the Government accept that view.

5. Similarly, I do not think that the law in regard to *ex parte* decrees calls for amendment at present. That too is the view taken by the High Court.

6. The subject of the pay of the Stationary Magistrates is a question which goes far beyond the Kalkulam taluk ; and if and when occasion arises for the consideration of the revision of salaries in general, Government will consider that point also.

30. Munsiffs' Courts in South Travancore.

Mr. P. M. RAMAN PILLAI (*Member, Municipal Council, Kuzhittura*) represented the need for revising the territorial jurisdiction of civil courts in South Travancore. 430 civil cases were pending in the principal and 634 in the additional Munsiffs' courts at Nagercoil for disposal at the beginning of Chingam 1101. 700 cases being the standard fixed by the High Court, there would not be adequate work for two Munsiffs at Nagercoil, and the appointment of a temporary Munsiff for one year would bring down the arrears. The jurisdiction cannot conveniently be increased, but some reduction could be made by transferring the Alur *pakuthi* in the Kalkulam taluk to the Padmanabhapuram court.

The people of Nattalam *pakuthi* had to go to Padmanabhapuram, nine miles distant, for their civil cases, though the *pakuthi* formed part of the Vilavankod taluk, lay just on the outskirts of the Kuzhittura Municipal town and was only two miles distant from the Kuzhittura Munsiff's court. The *pakuthies* of Killiyur, Midalam, Kizhmidalam and Kizhkulam, also forming part of the Vilavankod taluk and situated within distances of 4, 4, 5 and 5½ miles respectively from the Kuzhittura Munsiff's court were included within the jurisdiction of the Padmanabhapuram court which was 10, 10, 9½ and 9 miles respectively from them. It was anomalous that the people of these four *pakuthies* were obliged to go to Kuzhittura for their revenue cases, to Eraniel for their criminal cases and to Padmanabhapuram for their civil cases. Nattalam and Killiyur were formerly within the jurisdiction of the Kuzhittura Court. The people of the five *pakuthies* of Nattalam, Killiyur, Midalam, Kizhmidalam and Kizhkulam had been memorialising the Government for the transfer of their civil jurisdiction to Kuzhittura, but without any avail. Kuzhittura which had only a pending file of 641 cases at the end of 1100 would not be seriously overburdened by this transfer, and the change proposed would afford relief to the Padmanabhapuram court, which had a heavier pending file of 1383 cases at the end of 1100 even though a temporary additional court had been working there for about four years.

The fact that, in spite of the temporary courts working for the last few years, Neyyattinkara and Trivandrum Munsiffs' courts had pending files of 1349 cases and 1324 cases respectively at the end of 1100, would show that, as at Padmanabhapuram,

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the normal work was unduly heavy. Permanent relief could be afforded to the courts at both these places by the establishment of a Munsiff's court at Neduvangad which had a Tahsildar and Magistrate of its own, but whose civil jurisdiction was at present distributed between the three courts at Neyyattinkara, Trivandrum and Attingal. The Neduvangad taluk was growing in importance; communication was not easy; the distance to the various courts was great; and the people had been praying for a Munsiff's court for years past. If there would not be adequate work for a full time Munsiff, a Munsiff-Magistrate might be appointed as at Shencotta; and the temporary additional Munsiff's court at Trivandrum might be transferred elsewhere. It might also be possible to transfer the additional Munsiff's court from Nagercoil. The above proposals, if accepted, would conduce to the greater convenience of the people and improve the efficieney of judiciai administration.

DEWAN'S REPLY : Mr. Raman Pillai, the representations that you have made will be taken up for careful consideration and the High Court will be consulted.

31. Judicial Administration.

Mr. M. KOCHUKRISHNA PILLAI (*Member, Neyyattinkara taluk, Group II*) prefaced his observations by saying that he proposed to refer only to some of the most crying evils in the judicial administration of the State. The people resorted to civil courts only when other remedies failed, and the inordinate delay in the disposal of suits was not excusable. Statistics could be quoted to show that the accumulation of arrears of old cases had been on the increase. In 1071, there were no original suits more than two years old or appeal suits more than one year old, pending disposal in any of the courts of the State. In 1081, there were pending disposal in Munsiff's courts 34 cases more than two years old, and in the District Courts, 46 such cases. In 1091, there were also cases more than five years old and such cases had been decidedly on the increase during the last decade. In 1100, there were pending in Munsiff's courts 3150 cases more than two years old and 641 such cases in District Courts. Taking the years 1091 to 1100 and only the cases more than four years old, it was found that in Munsiff's courts the number of such cases rose steadily during the period from 5 to 282, and that of cases more than five years old from 1 to 122 ; in District Courts, the number of cases four years old rose from 2 in 1091 to 101 in 1100 and that of cases more than five years old from 2 to 99. The delay in respect of appeals which might be disposed of after hearing, in the District Courts was also abnormal. There were 662 such cases more than two years old, 232 more than three years old, 31 more than four years old, and 34 more than five years old. The returns do not give particulars of the age of cases more than five years old ; but it is well-known that there are cases seven or eight years old. In the case of suits remanded for retrial to lower courts, the period of pendency should be calculated from the date of the first institution of the suit, but the returns did not furnish that information. Periodical returns were prescribed and the quarterly and annual returns formed the subject of lengthy but ineffective reviews by the High Court. Inspections were also conducted. But no organised effort was made to reduce the file of old cases. The appointment of the Laws Delays Committee was to be welcomed. The Committee should be composed of bold and learned men and its report should be obtained expeditiously. In the meantime, stringent instructions should be issued for the immediate disposal of the old cases.

The Member then referred to some of the hardships in the working of the courts. More witnesses than could be examined on one day were asked to appear, with the result that the parties were put to loss. The affidavits prescribed by the *Civil Courts' Guide* should be done away with and the form adopted in plaints, written statements, etc., might be adopted instead. Arrangements should be made for the trial of civil cases when the District Judge was engaged in sessions work. Most of the temporary Munsiffs being new to the work, the present practice of distributing the cases alternatively between the principal and additional courts led to the neglect of old and contested cases. At Neyyattinkara, where the temporary court was abolished in Vrischikam 1099, there were pending at the end of the year 82 cases.

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